

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN FRANKS,

Plaintiff, : Case No. 3:08-cv-025

-vs- :
District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

MICHAEL ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 2), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on February 15, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Plaintiff's Motion for leave to proceed *in forma pauperis* is denied. Plaintiff shall pay the filing fee of \$350 not later than March 3, 2008. Failure to pay the filing fee will result in dismissal of this case for want of prosecution.

February 21, 2008.

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge

